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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,330	01/22/2001	Scott Thomas Molloy	14013-29US	9338

20575 7590 08/21/2007  
MARGER JOHNSON & MCCOLLOM, P.C.  
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PORTLAND, OR 97204

EXAMINER
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SAM, PHIRIN

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/767,330	MOLLOY, SCOTT THOMAS
	Examiner	Art Unit
	Phirin Sam	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 May 2007.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,10-15,17,19-22 and 24 is/are rejected.  
 7) Claim(s) 2-9,16,18 and 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

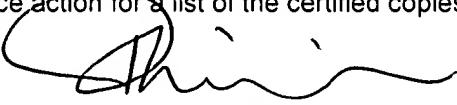
#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHIRIN SAM**  
**PRIMARY EXAMINER**

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 10-15, 17, 19-22, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,600,750 (hereinafter referred as “Joffe”).

**Regarding claims 1 and 10-15**, Joffe discloses an Advanced Research Projects Agency (ARPA)-Internet Network Access/Service Provider device comprising:

- (a) a fax gateway including,
  - (a1) a storage device for storing an e-mail message received from an e-mail sender for transmission to a fax recipient through a packet switching network, the stored e-mail message to be converted to a fax document for transmission thereof to the fax recipient having access to a fax device (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (b) at least one fax modem device for transmitting the fax document to the fax recipient through a public switching network, wherein a fax number designating the fax recipient is obtained independently of the e-mail (see Fig. 3, col. 9, lines 18-27).

**Regarding claims 17, 19, and 20**, Joffe discloses a method for sending and receiving e-mail messages using a fax device comprising:

- (a) receiving an e-mail message through a data communications network from an e-mail sender (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (b) converting the e-mail message into a fax document (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (c) retrieving a destination fax number independent of the e-mail message (see Fig. 2, col. 6, lines 57-64);
- (d) transmitting the fax document to a fax recipient thereby enabling the fax recipient to receive e-mail messages without access to the data networking network (see Fig. 3, col. 9, lines 18-27).

**Regarding claim 21,** Joffe discloses a computer readable medium having stored therein computer readable program code comprising instructions for performing the following steps:

- (a) receiving an e-mail message, from through a data communications network (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (b) converting the e-mail message into a fax document (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (c) retrieving a destination fax number independent of the e-mail message (see Fig. 2, col. 6, lines 57-64);
- (d) transmitting the fax document to a fax recipient thereby enabling the fax recipient to receive e-mail messages without access to the data networking network (see Fig. 3, col. 9, lines 18-27).

**Regarding claims 22 and 24,** Joffe discloses a device comprising:

- (a) means for receiving an e-mail message, from through a data communications network (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (b) means for converting the e-mail message into a fax document (see Fig. 3, element 46, abstract, col. 7, lines 39-49, 50-65, and col. 8, lines 54-65);
- (c) means for retrieving a destination fax number independent of the e-mail message (see Fig. 2, col. 6, lines 57-64);
- (d) means for transmitting the fax document to a fax recipient thereby enabling the fax recipient to receive e-mail messages without access to the data networking network (see Fig. 3, col. 9, lines 18-27).

***Allowable Subject Matter***

3. Claims 2-9, 16, 18, and 23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 10-15, 17, 19-22 and 24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,707,580 (Bloomfield) discloses facsimile to email communication system with local interface.

(2) US Patent 6,424,426 (Henry) discloses fax-to-email and email-to-fax communication system and method.

(3) US Patent 6,417,930 (Mori) discloses network facsimile apparatus capable of relaying email to facsimile machine.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: August 17, 2007



PHIRIN SAM  
PRIMARY EXAMINER